

**STATE OF VERMONT  
DEPARTMENT OF BANKING, INSURANCE, SECURITIES  
AND HEALTH CARE ADMINISTRATION**

IN RE: AGRI-SERVICES  
AGENCY, LLC

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DOCKET NO. 09-078-I

**STIPULATION AND CONSENT ORDER**

**NOW COME** the Department of Banking, Insurance, Securities and Health Care Administration of the State of Vermont (“Department”) and Agri-Services Agency, LLC (“Respondent”) and hereby stipulate and agree as follows:

**WHEREAS**, pursuant to the authority contained in 8 V.S.A. §§11, 12, 13, and 4804, the Department and the Commissioner of the Department are charged with administering and enforcing the insurance laws of the State of Vermont; and

**WHEREAS**, pursuant to the authority contained in 8 V.S.A. §4804, the Commissioner may deny an application for a license, revoke or refuse to continue or renew any license issued under 8 V.S.A. Chapter 131, if she finds that the licensee violated any insurance laws; and

**WHEREAS**, Agri-Services Agency, LLC, whose address of record is 5001 Brittonfield Parkway, Syracuse, New York, 13221-4910 has held a Vermont non-resident producer business entity license, license no. 531952, since April 1, 2007; and

**WHEREAS**, the Department has conducted an investigation of the Respondent’s role in the sale of health insurance coverage to Vermont residents and more particularly with regards to sales of group health insurance plans issued by Excellus Health Plan,

Inc.(“the Group Plan”) pursuant to a group contract between Excellus Health Plan, Inc. and the Dairylea Cooperative, Inc. of Syracuse, New York; and

**WHEREAS**, the Department has concluded, after investigation, that Respondent did not fully disclose to the public that the Group Plan offered did not provide certain health coverage required by the laws of Vermont, that Excellus Health Plan, Inc. was not authorized and/or licensed to engage in insurance business in Vermont in violation of 8 V.S.A § 3361 and § 3368 and that the certificates of insurance delivered to the Vermont residents had not been filed with and approved by the Commissioner in violation of 8 V.S.A. § 4062; and

**WHEREAS**, the Department has also concluded, after investigation, that Respondent accepted business from, contracted with or continued to have contractual relations with producers who did not adequately disclose to the public the true nature of the Group Plan; and

**WHEREAS**, Respondent has been made aware that the Department may proceed with an administrative action against it for violating 8 V.S.A §4804 (a)(8); and 8 V.S.A §4804 (a)(3); and

**WHEREAS**, Respondent disagrees with and does not admit to the allegations and conclusions of the Department, but wishes to resolve this matter administratively, being aware of the expense, consumption of time and uncertainty inherent in litigation, by entering into a stipulation and consent order with the Department on the terms and conditions hereinafter set forth in lieu of proceeding with a hearing.

**NOW THEREFORE**, in consideration of the mutual covenants contained herein, the Department and Respondent stipulate and agree as follows:

1. Respondent shall make a One Hundred Fifty Thousand Dollars (\$150,000.00) contribution to the University of Vermont CREAM Program Venture Fund.  
The contribution may be made in two (2) installments of Seventy Five Thousand Dollars (\$75,000.00) with the first installment being paid within ten (10) days of the date of the execution of this Consent Order and the second installment paid no later than six (6) months from the date of the first payment. The contribution can be made online or by mail and must be designated to the University of Vermont CREAM Program Venture Fund. Respondent shall furnish a copy of the receipt for the contribution to the Department.
2. The Company shall pay the Department's reasonable costs and expenses associated with this order and the investigation pursuant to 8 V.S.A. § 18 in the amount of Three Thousand Five Hundred Seventy-Seven Dollars and Eighty-Seven Cents (\$3,577.87). Payment shall be made no later than 10 days after the execution of this Consent Order.
3. Respondent hereby waives its statutory right to notice and a hearing before the Commissioner of the Department, or her designated appointee.
4. Respondent acknowledges and agrees that this stipulation is entered into freely and voluntarily and that except as set forth herein, no promise was made to induce the Respondent to enter into it. Respondent acknowledges its

understanding of and agrees to all terms, conditions, and obligations contained in the Consent Order.

5. Respondent consents to the entry of this Order and agrees to be fully bound by its terms and conditions. Respondent acknowledges that noncompliance with any of the terms of this Order may constitute a separate violation of the insurance laws of the State of Vermont and may subject it to sanctions under the provisions of 8 V.S.A. §4804. Respondent further acknowledges that the Commissioner retains jurisdiction over this matter for the purpose of enforcing this order.
6. The undersigned representative of Respondent affirms that he or she has taken all necessary steps to obtain the authority to bind Respondent to the obligations stated herein and has the authority to bind Respondent to the obligations stated herein.

STATE OF

New York

COUNTY OF

Onondaga

ERM O'Connor

Agri-Services Agency, LLC

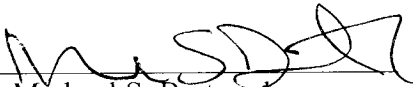
Sworn to and subscribed before this  
The 2<sup>nd</sup> day of February, 2010.

Jill L. Robinson

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

JILL L. ROBINSON  
Notary Public in the State of New York  
Qualified in Onondaga Co. No. 4508702  
My Commission Expires June 30, 2011

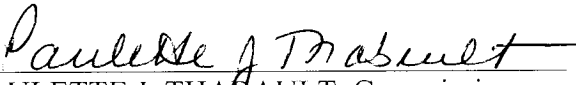
Accepted by:  Date: 2.10.2010  
Michael S. Bertrand  
Deputy Commissioner,  
Insurance Division, Vermont Department  
of Banking, Insurance, Securities  
and Health Care Administration

**ORDER**

**IT IS HEREBY ORDERED:**

- A. Respondent, Agri-Services Agency, LLC, shall comply with all agreements, stipulations, and undertakings as recited above.
- B. Nothing contained in this Order shall preclude the Department from pursuing any other violation of Vermont law.

Dated at Montpelier, Vermont this 10<sup>th</sup> day of February 2010.

  
PAULETTE J. THABAULT, Commissioner  
Vermont Department of Banking, Insurance, Securities  
and Health Care Administration